

# House Study Bill 722

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL  
BY CHAIRPERSON VAN FOSSEN)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act providing for an income tax checkoff for anatomical gift  
2 public awareness and transplantation, relating to the  
3 limitation on income tax checkoffs, and providing an effective  
4 date and a retroactive applicability date.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 6380HC 80  
7 kk/pj/5

PAG LIN

1 1 Section 1. Section 422.12E, Code Supplement 2003, is  
1 2 amended to read as follows:  
1 3 422.12E INCOME TAX RETURN CHECKOFFS LIMITED.  
1 4 For tax years beginning on or after January 1, 1995, there  
1 5 shall be allowed no more than three income tax return  
1 6 checkoffs on each income tax return. When the same three  
1 7 income tax return checkoffs have been provided on the income  
1 8 tax return for three consecutive years, the checkoff for which  
1 9 the least amount has been contributed, in the aggregate for  
1 10 the first two tax years and through March 15 of the third tax  
1 11 year, ~~shall be is~~ repealed. This section does not apply to  
1 12 the income tax return checkoff provided in section 68A.601.  
1 13 If more than one checkoff is enacted in the same session of  
1 14 the general assembly for inclusion on the individual income  
1 15 tax return form and, by operation of this section, only one  
1 16 new checkoff is allowed on the individual income tax return  
1 17 form, the earliest enacted checkoff shall be included on the  
1 18 return form, or shall be included on the first available  
1 19 opening on the return form, and the inclusion on the return  
1 20 form of any other checkoffs enacted will be for subsequent tax  
1 21 years in the chronological order in which the checkoffs were  
1 22 enacted.  
1 23 Sec. 2. NEW SECTION. 422.12F INCOME TAX CHECKOFF FOR  
1 24 ANATOMICAL GIFT PUBLIC AWARENESS AND TRANSPLANTATION.  
1 25 1. A person who files an individual or a joint income tax  
1 26 return with the department of revenue under section 422.13 may  
1 27 designate one dollar or more to be paid to the anatomical gift  
1 28 public awareness and transplantation fund as created in  
1 29 section 142C.15. If the refund due on the return or the  
1 30 payment remitted with the return is insufficient to pay the  
1 31 additional amount designated by the taxpayer to the anatomical  
1 32 gift public awareness and transplantation fund, the amount  
1 33 designated shall be reduced to the remaining amount of refund  
1 34 or the remaining amount remitted with the return. The  
1 35 designation of a contribution to the anatomical gift public  
2 1 awareness and transplantation fund under this section is  
2 2 irrevocable.  
2 3 2. The director of revenue shall draft the income tax form  
2 4 to allow the designation of contributions to the anatomical  
2 5 gift public awareness and transplantation fund on the tax  
2 6 return. The department of revenue, on or before January 31,  
2 7 shall certify the total amount designated on the tax return  
2 8 forms due in the preceding calendar year and shall report the  
2 9 amount to the treasurer of state. The treasurer of state  
2 10 shall credit the amount to the anatomical gift public  
2 11 awareness and transplantation fund. However, before a  
2 12 checkoff pursuant to this section shall be permitted, all  
2 13 liabilities on the books of the department of revenue and  
2 14 accounts identified as owing under section 421.17 and the  
2 15 political contribution allowed under section 68A.601 shall be  
2 16 satisfied.  
2 17 3. The department of revenue shall adopt rules to  
2 18 administer this section. This delegation of rulemaking  
2 19 authority shall be construed narrowly.  
2 20 Sec. 3. EFFECTIVE DATE. Section 1 of this Act, amending

2 21 section 422.12E, being deemed of immediate importance, takes  
2 22 effect upon enactment.  
2 23 Sec. 4. RETROACTIVE APPLICABILITY. Section 2 of this Act  
2 24 applies retroactively to January 1, 2004, for tax years  
2 25 beginning on or after that date and the checkoff for  
2 26 anatomical gift public awareness and transplantation may be  
2 27 eligible for placement on the individual income tax return  
2 28 form for the tax year beginning January 1, 2004, as provided  
2 29 in section 422.12E.

2 30 EXPLANATION

2 31 This bill creates an anatomical gift public awareness and  
2 32 transplantation income tax checkoff. Moneys collected from  
2 33 the checkoff are to be credited to the anatomical gift public  
2 34 awareness and transplantation fund established in Code section  
2 35 142C.15. The fund may be expended for grants to state  
3 1 agencies or nonprofit legal entities for public awareness  
3 2 projects and for the statewide organ and tissue donor  
3 3 registry, grants to hospitals for anatomical gift public  
3 4 awareness projects and anatomical gift referral protocols, and  
3 5 grants to organ transplant recipients and donors through  
3 6 hospitals that perform organ transplants. The checkoff is  
3 7 made retroactively applicable to January 1, 2004, if the  
3 8 income tax return can accommodate the tax checkoff for the  
3 9 calendar year 2004 under Code section 422.12E.

3 10 The bill amends Code section 422.12E to clarify that when  
3 11 the same three income tax return checkoffs have been provided  
3 12 for three consecutive years, the least contributed checkoff is  
3 13 repealed automatically without further action by the general  
3 14 assembly. The bill also amends Code section 422.12E relating  
3 15 to the limitation on the number of checkoffs allowed on the  
3 16 Iowa individual income tax return to provide that if more than  
3 17 one checkoff is enacted during a session of the general  
3 18 assembly and there is space allowed for only one new checkoff  
3 19 on the income tax return form, the checkoff first enacted will  
3 20 take the next available opening on the income tax return form.  
3 21 These provisions of the bill take effect upon enactment.

3 22 LSB 6380HC 80

3 23 kk/pj/5